

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SIOBHAN ROSE MURIEL GENESSI,  
Plaintiff,  
v.  
PLACER COUNTY CHILD  
PROTECTIVE SERVICES, et al.,  
Defendants.

No. 2:23-cv-01054-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION

(Doc. No. 19)

Plaintiff Siobhan Rose Muriel Genessi proceeds *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 4, 2025, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's second amended complaint be dismissed, without further leave to amend, due to plaintiff's failure to cure many of the deficiencies outlined in the magistrate judge's screening order, (Doc. No. 9). (Doc. No. 19.) In particular, the magistrate judge observed once again that named defendants Smith and Coffman were immune from suit "when they act within the scope of their prosecutorial duties" in the Placer County Counsel's Office and that as an administrative unit of the state the Placer County Child Protective Services is not a proper defendant and has no capacity to be sued. (*Id.* at 2–3.) Additionally, the magistrate judge

1 concluded that plaintiff's claims based upon allegedly false statements made in state court  
2 proceedings by a Child Protective Services employee were barred by the *Rooker-Feldman*  
3 doctrine. (*Id.* at 3.) Finally, the magistrate judge noted that plaintiff has failed to allege any  
4 additional facts in support of both her denial of familial association and *Monell* claims despite  
5 being given the opportunity to do so. (*Id.*) Because plaintiff has had multiple opportunities to  
6 amend her complaint and has repeatedly failed to cure the noted deficiencies, the magistrate judge  
7 recommended that her second amended complaint be dismissed with prejudice because the  
8 granting of further leave to amend would be futile. (*Id.* at 4.) The findings and  
9 recommendations were served on the parties and contained notice that any objections thereto  
10 were to be filed within fourteen (14) days after service. (*Id.*) Neither plaintiff nor defendants  
11 filed any objections to the findings and recommendations and the time in which to do so has now  
12 passed.

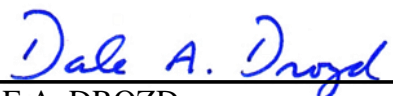
13 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
14 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings  
15 and recommendations to be supported by the record and proper analysis.

16 Accordingly,

- 17 1. The findings and recommendations issued on March 4, 2025 (Doc. No. 19) are  
18 ADOPTED in full;
- 19 2. Plaintiff's second amended complaint (Doc. No. 18) is DISMISSED, without leave  
20 to amend; and
- 21 3. The Clerk of the Court is directed to CLOSE this case.

22 IT IS SO ORDERED.

23 Dated: July 8, 2025

24   
25 DALE A. DROZD  
26 UNITED STATES DISTRICT JUDGE  
27  
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